

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Marlene C. Schwarz, et al.

Group Art Unit: 1762 (Anticipated)

Application No.: Continuation of 10/084,868, filed March 1, 2002

Examiner: Jennifer K. Michener (Anticipated)

Filed: Herewith

Docket No.: 12013/53907

For: MECHANICAL AND ACOUSTICAL SUSPENSION COATING OF MEDICAL  
IMPLANTS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

■ 1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ c. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).


☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.

- ☐ 5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
- ☐ 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
- ☒ 9. The reference(s) was/were cited by or submitted to the Office in parent application Nos. 09/804,040, filed March 13, 2001 and 10/084,868, filed March 1, 2002, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
- ☐ 10. English-language Abstracts of the non-English language references are attached hereto.
- ☐ 11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.
- ☐ 12. Other.

Respectfully submitted,

KENYON & KENYON

Date: November 4, 2003

  
Fred T. Grasso  
Registration No. 43,644

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Substitute for form 1449A/PTO				<b><i>Complete if Known</i></b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				Application Number	Unassigned
				Filing Date	Herewith
				First Named Inventor	Marlene Schwarz et al.
				Group Art Unit	1762 (Anticipated)
				Examiner Name	Jennifer Kolb Michener (Anticipated)
				Attorney Docket Number	12013/53907
Sheet	1	of	7		

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-4,182,871	01/08/1980	Moller	
		US- 4,760,815	08/02/1988	Rockx	
		US- 4,883,004	11/28/1989	Hansen	
		US- 4,951,472	08/28/1990	Hansen et al.	
		US- 5,133,137	07/28/1992	Petersen	
		US- 5,223,088	06/29/1993	Hansen	
		US- 5,227,018	07/13/1993	Bro et al.	
		US- 5,248,387	09/28/1993	Hansen	
		US- 5,338,553	08/16/1994	Johnson et al.	
		US- 5,435,980	07/25/1995	Felsvang et al.	
		US- 5,470,387	11/28/1995	Liborius	
		US- 5,518,180	05/21/1996	Svendsen	
		US- 5,527,171	06/18/1996	Soerensen	
		US- 5,590,961	01/07/1997	Rasmussen	
		US- 5,593,715	01/14/1997	Christensen	
		US- 5,596,817	01/28/1997	Hansen	
		US- 5,632,100	05/27/1997	Hansen	
		US- 5,648,118	07/15/1997	Liborius	
		US- 5,695,701	12/09/1997	Funder et al.	
		US- 5,817,280	10/06/1998	Larsen et al.	

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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				Group Art Unit	1762 (Anticipated)
				Examiner Name	Jennifer Kolb Michener (Anticipated)
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Sheet	2	of	7		

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 3 of 7

**Complete if Known**

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Examiner Name	Jennifer K. Michener (Anticipated)
Attorney Docket Number	12013/53907

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		Number - Kind Code <sup>2</sup> (if known)			
		US- 4,428,973	01-31-84	Horner et al.	
		US- 4,495,215	01-22-85	Barnert et al.	
		US- 4,535,006	08-13-85	Naunapper et al.	
		US- 4,633,804	01-06-87	Arii	
		US- 4,656,056	04-07-87	Leuenberger	
		US- 4,724,794	02-16-88	Itoh	
		US- 4,828,882	05-09-89	Tsezos et al.	
		US- 4,858,552	08-22-89	Glatt et al.	
		US- 4,895,773	01-23-90	Imanidis et al.	
		US- 4,919,973	04-24-90	Alkan et al.	
		US- 5,017,401	05-21-91	van Drunen	
		US- 5,132,142	07-21-92	Jones et al.	
		US- 5,158,804	10-27-92	Alkan et al.	
		US- 5,236,503	08-17-93	Jones	
		US- 5,284,678	02-08-94	Hirschfeld et al.	
		US- 5,296,265	03-22-94	Okuma ete al.	
		US- 5,328,270	07-12-94	Emken et al.	
		US- 5,632,102	05-27-97	Luy et al.	
		US- 5,656,325	08-12-97	Wallace	
		US- 6,209,479	04-03-01	Walter et al.	
		US- 6,312,521	11-06-01	Lee et al.	
		US- 6,364,948	04-02-02	Austin et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

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Sheet	4	of	7		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	<b>ATTY. DOCKET NO.</b> 12013/53907	<b>SERIAL NO.</b> Unassigned
	<b>APPLICANT</b> Name(s) Marlene C. SCHWARZ, et al.	
	<b>FILING DATE</b> Herewith	<b>GROUP</b> 3712 (Anticipated)

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	6,395,326	May 28, 2002	CASTRO, et al.		

\* - If pertinent

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION	
					YES	NO

**OTHER DOCUMENTS**

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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	<b>APPLICANT</b> Name(s) Marlene C. SCHWARZ, et al.	
	<b>FILING DATE</b> Herewith	<b>GROUP</b> 1762(Anticipated)

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	5,464,650	11/7/95	Eric P. Berg, et al.	427/2.3	
	5,837,008	11/17/98	Eric P. Berg, et al.	623/1	
	5,328,720	7/12/94	Emken, et al.	427/2.3	
	4,428,973	1/31/84	Horner, et al.	427/213	
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	5,236,503	8/17/93	Jones	118/303	
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	5,192,308	3/9/1993	Ostapchenko	623/1	4/19/1991
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	5,221,698	6/22/1993	Amidon et al.	523/122	6/27/1991
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	5,679,400	10/21/1997	Tuch	427/2.14	6/7/1995
	5,679,402	10/21/1997	Lee	427/127	9/23/1996
	5,837,284	11/17/1998	Mehta et al.	424/459	7/14/1997
	5,855,915	1/5/1999	Pinkus	424/486	6/28/1996
	5,876,750	3/2/1999	Jao et al.	424/457	6/9/1997
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	5,980,882	11/9/1999	Eichman	428/78.12	4/16/1997
	6,046,277	4/4/00	Kolter, et al.	525/205	3/10/98
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	4,432,933	2/84	Teitel, et al.	376/152	

	4,349,498	9/82	Ellis, et al.	264/81	
	5,405,309	4/95	Carden, Jr.	600/3	
	6,143,431	11/00	Webster	428/669	
	2,648,609	8/11/53	D. E. Wurster	99/116	
	2,799,241	7/16/57	D. E. Wurster	118/24	
	3,089,824	5/14/63	D. E. Wurster	167/82	
	3,253,944	5/31/66	D. E. Wurster	117/100	
	4,535,006	8/13/85	Naunapper, et al.	427/213	
	6,174,329	1/16/01	Callol, et al.	623/1.34	8/22/96
	5,447,966	9/5/95	Hermes, et al.	523/113	2/8/94
	4,180,560	12/25/79	Katz, et al.	424/21	5/5/78
	4,666,704	5/19/87	Shalati, et al.	424/19	5/24/85
	4,554,887	11/26/85	Yoakam, et al.	118/666	5/22/84
	4,312,893	1/26/82	Futter	427/3	6/4/79
	5,495,418	2/27/96	Latini, et al.	364/468	6/18/93
	5,015,501	5/14/91	Johnson	427/212	8/17/89
	5,038,709	8/13/91	Yamada, et al.	118/666	8/21/89
	5,302,201	4/12/94	Lücke	118/19	8/19/92
	4,684,523	8/4/87	Ferrero	424/441	2/14/86
	6,149,785	11/21/00	Makowiecki, et al.	204/298.28	6/20/98
	5,507,868	4/16/96	Takei, et al.	118/19	3/2/95

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